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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,289	10/24/2003	Ahmed Hassan Mohamed	13768.783.115	2352
47973 7590 09/24/2007 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/693,289

Applicant(s)

MOHAMED

Examiner

Asad M. Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the communications filed 10/24/03. Claims 1-44 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-40 are rejected under 35 USC 101. The claimed invention is directed to non-statutory subject matter. The computer readable medium is directed towards data structure per se and a carrier wave.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759.

#### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle (US Patent No. 6,279,054).

As to claim 1, Boyle teaches computer-readable medium having computer-executable instructions, comprising: receiving a request to open a file, the file having state information associated therewith (col 8, lines 47-57); in response to the request, sending a first handle to use to access data in the file and at least part of the state information associated therewith, the first handle having access rights to the file (col 4, lines 44-50); sending a resume key by which a duplicate handle may be requested, the duplicate handle having access rights to the file that correspond to the first handle; receiving the resume key and a request for a duplicate handle to the file (col 1, line 65 to col 2, line 10); sending the duplicate handle in response to the request for a duplicate handle; and providing access to the file via the duplicate handle (col 3, line 1-19).

As to claim 2, Boyle teaches the computer-readable medium of claim 1, wherein the state information includes a mode in which the file is opened (col 4, lines 34-55).

As to claim 3, Boyle teaches the computer-readable medium of claim 2, wherein the mode includes at least one of read only, read/write, a lock, and a mode in which the

file is opened for exclusive use by the handle and any duplicates thereof (col 6, line 9-20).

As to claim 4, Boyle teaches the computer-readable medium of claim 3, wherein the lock comprises a range that indicates bytes of the file that can only be accessed by the first handle and any duplicates thereof (abstract).

As to claim 5, Boyle teaches the computer-readable medium of claim 1, further comprising authenticating a client that sends any request (col 5, lines 1-11).

As to claim 6, Boyle teaches the computer-readable medium of claim 5, further comprising authenticating a server that sends any response (col 5, lines 1-11).

As to claim 7, Boyle teaches the computer-readable medium of claim 1, wherein the request to open a file is sent over a first channel and the request for a duplicate handle to the file is sent over a second channel (col 4, lines 34-55).

As to claim 8, Boyle teaches the computer-readable medium of claim 7, wherein unencrypted information is sent over the first channel and encrypted information is sent over the second channel (abstract).

As to claim 9, Boyle teaches the computer-readable medium of claim 7, wherein the channels pass through a single network interface on a single client (col 7, lines 45-65).

As to claim 10, Boyle teaches the computer-readable medium of claim 7, wherein the channels pass through at least two interfaces on a single client (col 7, lines 45-65).

As to claim 11, Boyle teaches the computer-readable medium of claim 7, wherein the first channel is disconnected and wherein the file remains open afterwards (col 6, lines 2-40).

As to claim 12, Boyle teaches the computer-readable medium of claim 11, wherein the resume key is received after the first channel has become disconnected (abstract).

As to claim 13, Boyle teaches the computer-readable medium of claim 7, wherein the first channel is disconnected and wherein the file remains open afterwards at least until another client requests access to the file (col 4, lines 34-55).

As to claim 14, Boyle teaches the computer-readable medium of claim 13, wherein if the other client requests access to the file before a time has expired, the other client is denied access to the file (col 7, lines 45-65).

As to claim 15, Boyle teaches the computer-readable medium of claim 13, wherein if the other client requests access to the file after the time has expired, the file is closed and the other client is granted access to the file (col 7, lines 45-65).

As to claim 16, Boyle teaches the computer-readable medium of claim 15, wherein the client is informed that the file has been accessed by another client after the client sends the resume key with a request for a duplicate handle (abstract).

As to claim 17, Boyle teaches the computer-readable medium of claim 13, wherein after the resume key is received, the client is informed that the file has not been changed by another client (col6, lines 9-20).

As to claim 18, Boyle teaches the computer-readable medium of claim 1, wherein the request to open the file is sent from a first client and the duplicate handle is sent to a second client (abstract).

As to claim 19, Boyle teaches the computer-readable medium of claim 18, wherein the first client sends the duplicate handle to the second client (abstract).

As to claim 20, Boyle teaches the computer-readable medium of claim 18, wherein the second client receives the duplicate handle from a server that provides access to the file (abstract).

Claims 21-44 present no further limitations above claims 1-20 and thus are rejected under similar rationale.

### ***Conclusion***

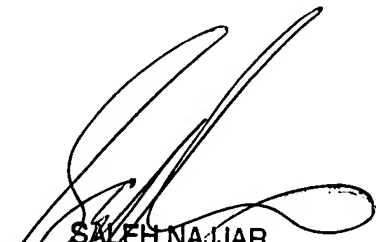
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMN



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER